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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,289	07/17/2003	Richard W. Ragan JR.	RSW920030060US1	2496
45541 7590 05/28/2009 HOFFMAN WARNICK LLC 75 STATE ST 14TH FLOOR ALBANY, NY 12207				
EXAMINER THERIAULT, STEVEN B				
ART UNIT 2179		PAPER NUMBER		
NOTIFICATION DATE 05/28/2009		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOCommunications@hoffmanwarnick.com

**Advisory Action  
Before the Filing of an Appeal Brief**

<b>Application No.</b> 10/621,289	<b>Applicant(s)</b> RAGAN ET AL.
<b>Examiner</b> STEVEN B. THERIAULT	<b>Art Unit</b> 2179

***--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --***

THE REPLY FILED 08 May 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
 Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b) ☐ They raise the issue of new matter (see NOTE below);  
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
 5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
 The status of the claim(s) is (or will be) as follows:  
 Claim(s) allowed: \_\_\_\_\_.  
 Claim(s) objected to: \_\_\_\_\_.  
 Claim(s) rejected: \_\_\_\_\_.  
 Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
 13. ☐ Other: \_\_\_\_\_.

/Steven B Theriault/  
 Primary Examiner  
 Art Unit: 2179

Continuation of 11, does NOT place the application in condition for allowance because: applicant's arguments are not persuasive. The context, as applicant argues does not change as far as the activewords system and the semantic interface operations, however it is clear the context of the command words change and assignments to applications allow for customization by the user to define which operation occurs in a given profile for a given application. Applicant's main argument appears to be that they do not interpret Beauregard as presenting a list of shortcuts for an "object" and then automatically adjusting the shortcuts based on the application that manages the object (See argument page 9). The examiner disagrees with the applicants interpretation for the following reasons. First, the examiner refers to the rejection where the cited sections for an object should also be included in the argument. Further, the rationale for the rejection is that Beauregard teaches a "semantic interface" (SUI) that allows a user to manage multiple profiles and commands for applications, functions, operations to be performed within the interface. The SUI interface runs in the background, and provides consistent functions no matter which application is opened so that it can interact with Microsoft Word, Excel, Outlook, etc and provide commands assigned by the user for each. Within each profile the user can designate utterances or command words to perform functions within the interface and can assign a set of commands for excel, a different set for Word and still another for Outlook but each can be activated differently with the use of profiles. A profile could be for work and excel functions can be directed to work based processing. The same functions can be changed to work differently with a home profile but yet provide the same function. Figure 23, shows an object, such as user profile, with a list of commands (shortcuts) associated with the given profile, with different commands for each application. The monitoring bar (figure 14) allows the user to activate a given profile that can change "on the fly" with the typing of certain command words (Para 175). Therefore, a command word is an object displayed in the interface and linked to a given profile, the list commands are functions associated with the profile and at least one of the commands represent a control for the object, such as opening, printing from an application controlled by the profile. As the opens an application, such as Word, using a command by typing in the Monitor bar, they can be presented with a dual word hint or list within the interface. The monitor bar provides access to a management function to monitor, add, delete and control the commands for a given object. Dual words are recognized words that are presented via the monitoring bar with information to allow the user to select the actual function that the user desires when there is more than one function assigned to a keyword. A pop-up can also be displayed to allow the user to select from several commands (see para 330-332). Beauregard expressly teaches the user can have one profile for work, home or other arrangement. In the example, (Para 183 and 337) the command word mercury can take on different meanings in the interface depending on the profile currently in use. Simply put, the user can create a command word. Once it is displayed in the interface, the user profile dictates how the assigned function operates. The user can select from the monitor bar to see the command interface. The interface displays the list of shortcuts assigned to the object as well as other objects in the interface. The user can easily select or type another command to activate an on the fly profile to change the displayed commands or functions. The rejection is a 102/103 where if the features of Beauregard are not seen as anticipating the claim then the features of Brodin can also be relied upon. As argued in the rejection, if the displaying of command words in the interface (fig 23) is not seen as anticipating the claim then the function of Brodin could be looked upon to provide the necessary structure to display a list of commands for a given shortcut (see column 6, lines 50-67 and colu8mn 8, lines 5-67). The claims therefore remain rejected over the final rejection mailed 03/09/2009..